

Atty Docket No.: 10665/2
Serial No. 10/633,347

REMARKS

This is a full and timely response to the outstanding Final Office Action mailed August 19, 2004. Reconsideration and allowance of the Application is respectfully requested.

1. Present Status Of Patent Application

Claims 15-36 are currently pending in the present application. The Applicants herewith submit the above amendments to the claims and remarks specifically responding to the rejections raised by the Examiner in the Final Office Action.

2. Summary Of The Rejections

The Final Office Action objects to the Applicants' Amendment filed June 1, 2004 under 35 U.S.C. § 132 because it purportedly introduces new matter into the disclosure of the invention. The Final Office Action alleges that material purportedly added by the Amendment is not supported by the original disclosure.

The Final Office Action rejects claims 15-36 under 35 U.S.C. § 112, first paragraph, as purportedly failing to comply with the enablement requirement.

The Final Office Action further rejects claims 15-36 under 35 U.S.C. § 103 as unpatentable over U.S. Patent No. 4,162,776 to Sibley et al. (*Sibley*) alone.

In response, and as discussed in the August 26, 2004 telephone conference between Applicants' Counsel and the Examiner, the Applicants submit amended claims, and remarks stating the support for the changes made to the Application's Specification. The Applicants believe that the objections and rejections of the Office Action have been fully addressed herein.

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3. Amendments To The Specification

As discussed in the August 26, 2004, telephone conference between Applicants' Counsel and the Examiner, the Applicants submit the following chart in response to the Examiner's position that the amendments made to the Specification allegedly constitute new matter under 35 U.S.C. § 132. The chart provides, without limitation, line references showing portions of the originally filed Specification that support each of the changes made in the amended Specification. The page and line number references for the amendments in the chart indicate the marked up version of the Amended Specification provided in the Appendix of Applicants' August 26, 2004 Amendment and Response To Office Action, a copy of which is reproduced as Appendix A attached hereto. The page and line numbers in the supporting material in the Original Specification reference the Original Specification as filed, a copy of which is reproduced as Appendix B, attached hereto.

Page And Line Numbers Of Amendment (Appendix A)	Page and Line Numbers Of Supporting Material In Original Specification (Appendix B)
p. 1, l. 6 through p. 2, l. 22	p. 1, l. 9 through p. 3, l. 4
p. 3, l. 1 through p. 5, l. 9	p. 3, l. 6 through p. 5, l. 16
p. 6, l. 20 through p. 7, l. 12	p. 3, l. 15 through p. 5, l. 13
p. 7, l. 13 through p. 8, l. 10	p. 6, ll. 7-18, claims 1-2
p. 8, l. 11 through p. 9, l. 11	p. 4, l. 22 through p. 5, l. 13, claim 11
p. 9, l. 13 through p. 10, l. 6	p. 4, l. 22 through p. 5, l. 13, claims 1-9, Figs. 2 and 3

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Applicants assert that the above chart clearly shows where each of the changes are supported by the originally filed Specification. Thus Applicants assert that no new matter was added to the Application with the Applicants' amendments to the Specification.

To the extent that the Examiner believes that any amendment to the Specification somehow constitutes new text or language, Applicants assert that such amendment is inherent in view of the original Specification. As discussed in the August 26, 2004 telephone conference between the Applicants' Counsel and the Examiner, it is improper to declare an amendment new matter without first considering the mandate of M.P.E.P. § 2163.07(a). M.P.E.P. § 2163.07(a) must be taken into account in the determination of what constitutes new matter. Namely, if there is anything added that was not specifically stated in the original Specification, if the additional text describes an "inherent function, theory, or advantage" regarding the originally filed specification, then the additional text does not constitute new matter.

As further evidence that no new matter was added, applicants further note that no new drawings were added, and nor any structures added to the existing drawings. Mere annotations were added to the drawings and text of the Specification to denote structures that were already disclosed in the originally filed Specification.

Thus, the Applicants respectfully assert that all of the changes made to the Specification are supported by the originally filed Specification, and that the objection to the Specification under 35 U.S.C. § 132 has been fully addressed.

4. Response to Rejections of Claims 15-36 under 35 U.S.C. §112, first paragraph

The Office Action rejects claims 15-36 under 35 U.S.C. § 112, ¶1, as failing to comply with the enablement requirement. Applicants submit that the changes in the Amended

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Specification more clearly define the enabling subject matter in the claims, without adding new matter. The Final Office Action provides specific questions regarding Applicants' regarding enablement of the invention. The Applicants' will address each question, as those are the only specifics that the Final Office Action provides regarding this issue. However, the Applicants reserve the right to address any further questions, if any, the Examiner may have with regard to this issue.

a. *"It is not understood how the lift platform works and how it is connected to the aircraft and the door."*

Again, the Applicants will address any specific remaining questions regarding "how the lift platform works," if any, do remain after submitting this Response to the Final Office Action. As far as how it is connected to the aircraft, Applicants' refer the examiner to each of the Figures 1-3, and the related descriptions in the Specification. The Figures clearly show the mounting structure of one embodiment of the invention, including in Figure 1, a diagram of the invention mounted in an aircraft. The mounting structure 100 clearly provides a means for mounting the lift platform in the aircraft. See, Appendix A, p. 7, ll. 7-12.

With regard to how the platform is connected to the door, Applicants' refer the Examiner to p. 8, ll. 11-18 of the mark up version of the Amended Specification (Appendix A). There, the Specification explains the connection between the lift platform and the concealment doors. However, it should be further noted that opening and closing of concealment doors in response to extension and retraction of a sensor is well known, and therefore does not need explanation in detail. For example, U.S. Patent No. 4,593, 288 to Fitzpatrick (a patent cited by the Examiner in this case) clearly shows and describes a system in which concealment doors are opened and closed.

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b. *"How do the means for driving the platform work?"*

The Applicants' note the description provided on p. 9, l. 13 through p. 10, l. 10 of the mark up of the amended Specification (Appendix A). The Applicants also note that drive mechanisms to move an object linearly are well known. The Applicants note that, apart from the embodiment described in Applicants' Specification, a linear drive mechanism is shown in the very reference cited by the Examiner in the Final Office Action, U.S. Patent No. 4,162,776 to Sibley, that could be used with the invention.

c. *"The Applicants seem to cite various known means to deploy the platform but the details are not shown. Is there any criticality to these various deployment means."*

There is no criticality to the various deployment means referred to in the Specification. Such means are well known. The Examiner acknowledges in the 35 U.S.C. § 103 rejection in the Final Office Action that "the mechanism that is electronically, hydraulically, magnetically, pneumatically, linear motion screw, or clutch and brake driven" is known to one skilled in the art.

c. *"The drawings are too vague to understand how the system operates so as to understand the Specification and the claims. Please explain."*

The Applicants believe that the Amendments to the Specification and claims, and the specific responses herein, provide the required explanation.

Thus, the Applicants respectfully assert that all of the issues specifically noted by the Examiner with regard to the rejection under 35 U.S.C. § 112, ¶1, have been fully addressed. However, applicants reserve the right to respond to any other specific questions the Examiner may have with regard enablement.

Thus, Applicants submit that the 35 U.S.C. §112, first paragraph, rejection has been overcome.

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5. Response to Rejections of Claims 15-36 under 35 U.S.C. §103(a)

The Final Office Action rejects claims 15-36 under 35 U.S.C. § 35 U.S.C. § 103(a), as unpatentable over U.S. Patent No. 4,162,776 to Sibley et al. (*Sibley*) alone. As explained in detail below, the Applicants believe that claims 15-36 are patentable over all of the cited art, because, taken alone or in combination with other cited art, it fails to describe all elements of the invention, or render those elements obvious.

Claims 15 and 27 are independent claims. Claims 16-26 depend from independent claim 15. Claims 28-36 depend from independent claim 27. The following remarks apply to both independent claims 15 and 27. Thus, for brevity, Applicants' remarks made hereinafter that are referenced as directed towards claim 15, should further be viewed as applicable to all of claims 15-36. Furthermore, the traversal is made with the understanding that claims 16-36 are also patentably distinct over the prior art and may include additional features that, beyond those recited in claim 15, provide further, separate, and independent bases for patentability.

The Final Office Action states that *Sibley* discloses a mounting structure platform where a camera/sensor is mounted, linear guide, and mechanism for moving the platform. However, *Sibley* does not describe or suggest such a combination. For example, *Sibley* does not describe or suggest a linear guide that engages any sensor platform. The Final Office Action refers to Figure 5 of *Sibley* regarding the alleged disclosure of a linear guide. However, a linear guide such as that of the present invention is not shown by Figure 5, or described with respect to Figure 5. *Sibley* does describe, with respect to Figures. 8A, B, and C, "horizontal support members 54 and 55" (which are shown without numbered references in Figure 5). The following section of *Sibley* describes the horizontal support members:

...a first and a second transverse *horizontal guide members*, 54 and 55, that are positioned, respectively, above and below the first transverse horizontal support

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member 53, and are attached to the front vertical surface 52A of the third frame member 52, with these *horizontal guide members* 54 and 55 parallel to, and equally spaced-apart from, the first transverse horizontal support member 53; a second transverse horizontal support member 56 attached to and extending beyond the rear vertical surface 52C of the third frame member 52, with this support member having a first end 56A and a second end 56B; a third and a fourth transverse *horizontal guide members* 57 and 58 positioned, respectively, above and below the second transverse horizontal support member 56, and attached to the rear vertical surface 52C of the third frame member 52, with the third and fourth transverse *horizontal guide members* 57 and 58 parallel to, and equally spaced-apart from, the second transverse horizontal support member 56;... (See col. 4, l. 23 through col. 5, l. 22, Figs. 8A, B, C).

As shown and described in *Sibley*, the horizontal guide members are not *linear guides* that are connected to a mounting structure that are *engaged by the sensor platform* itself. Nor does any horizontal guide member of *Sibley* comprise a linear structure disposed in parallel to a linear movement path of a platform to stabilize and direct linear movement of the platform. As can be seen in Figures 5, 8A, B and C of *Sibley*, the horizontal guide members of *Sibley* do not even engage a sensor platform. When this was noted by the Applicants' Counsel in the August 26, 2004 telephone conference with the Examiner, the Examiner stated that a clarification in the claims of how the mechanism movement is along the linear guides may be helpful to define over *Sibley* in that respect. The applicants have amended claims 15, and 27 (in substance), herein to read "a linear guide that is connected to the mounting structure, wherein the linear guide is engaged by the platform and comprises a linear structure disposed in parallel to a linear movement path of the platform to stabilize and direct linear movement of the platform."

The Final Office Action further states that a platform that is electronically, hydraulically, magnetically, pneumatically, linear motion screw, or clutch and brake driven would have been obvious to one skilled in the art. However, none of the cited references disclose, alone or in combination, "a platform to which [an] object is attached," and "a linear guide that is connected to [a] mounting structure, wherein the linear guide is engaged by the platform and comprises a

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linear structure disposed in parallel to the movement path of the platform to stabilize and direct linear movement of the platform," as required by independent claim 15. Therefore, Applicants submit that newly-added independent claim 15 is patentable over the cited art.

Claim 27 contains the same limitations cited above with respect to independent claim 15, except in method form, and therefore Applicants submit that newly-added independent claim 27 is patentable for the same reasons that independent claim 15 is patentable.

The Applicants do not herein address the specific reasons for the patentability of each of claims 16-26 and 28-36, because each of those claims depend from independent claims 15 and 27 respectively, and those claims are therefore allowable based on the allowability of claims 15 and 27. However, the Applicants reserve the right to address the specific reasons for allowability of claims 16-26 and 28-36 should it be necessary to do so. Thus, the Applicants submit that the rejections of claims 16-26 and 28-36 have been overcome for the same reasons detailed above with regard to the rejection of independent claims 15 and 27 from which claims 16-26 and 28-36 respectively depend.

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CONCLUSION

Applicants have made an earnest and bona fide effort to clarify the issues before the Examiner and to place this case in condition for allowance. In view of the foregoing amendments and discussions, it is clear that the Specification does enable the claims, no new matter was added in the amendments to the Specification, and the cited art, alone or in combination with other art, does not teach all of the elements of any claim of the present invention. Therefore, allowance of all of the new claims 15-36 is believed to be in order, and an early Notice of Allowance to this effect is respectfully requested.

If the Examiner should have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 712-8311. The undersigned attorney can normally be reached Monday through Friday from about 9:30 AM to 5:30 PM Pacific Time.

Respectfully submitted,

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